

## **CHAPTER 4.08**

### **CITIZEN POLICE ADVISORY BOARD**

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#### **4.08.010 Purpose; Board Created; Powers and Duties.**

A properly administered mechanism for review of complaints concerning police procedures and policies would serve both the professional interests of the Lincoln Police Department and the general interests of the community by fostering better police-community relations and by maintaining police services commensurate with the expectations of the community. Therefore, there is hereby created for the administration of this chapter a Citizen Police Advisory Board which shall be composed of seven members who shall serve without remuneration. Said board shall be appointed by the Mayor and approved by the City Council and shall consist of seven individuals who shall be representative of a cross-section of the citizens of the community. Three of the members first appointed shall serve for a period of one year, three for a period of two years, and one for a period of three years. Thereafter, each appointee shall serve for a period of three years. Any vacancy occurring shall be filled in the same manner as provided for in the original appointment. The board herein established shall operate as a mechanism to review complaints of alleged police misconduct by the use of excessive force, abuse of authority, or extreme discourtesy, and shall also hear complaints of a general nature concerning the policies and procedures of the Lincoln Police Department. The board shall review and investigate such complaints and shall submit written reports of its findings and recommendations as hereinafter set forth. The board shall have no jurisdiction to hear complaints or conduct an investigation while a criminal or civil action relating to the complaint is pending against either the complainant or the officer or officers involved, unless the defendant in the pending criminal or civil action agrees in writing that the board shall have jurisdiction. The board shall meet at least once a year and shall at that time elect a chairperson from among its members and adopt rules and regulations for the conduct of meetings of the board. Legal service shall be provided by an attorney from the office of the City Attorney. One officer from the Police Department in addition to the designated members shall serve as a nonvoting liaison member of the board. (Ord. 15430 §1; February 12, 1990: P.C. §2.31.010: Ord. 11475 §1; September 29, 1975).

#### **4.08.020 Complaints in Writing; Time Limit.**

Complaints must be filed in person within forty-five days of the alleged occurrence of the use of excessive force, abuse of authority, or extreme discourtesy on the part of a police officer or officers. However, if a criminal or civil action relating to the complaint is pending against either the complainant or the officer or officers involved and the defendant in the pending criminal or civil action does not agree that

the board shall have immediate jurisdiction, then such forty-five day time limit shall not commence to run until the termination of such criminal or civil action. All complaints shall be on a form approved by the board and shall be signed by the complainant. Complaints may be filed by aggrieved parties or by interested persons or interested organizations. All complaints shall be filed in the office of the Mayor of the City of Lincoln and shall be handled in a confidential manner so as to avoid publication of the names of the complainant, witnesses, or officers involved therein. Before acceptance of a complaint for filing, inquiry shall be made of the complainant or complainants as to whether or not the Police Department has been contacted concerning the complaint, and if not, whether or not the complainant or complainants desire to see review of the complaint by the Police Department before filing the complaint with the Citizen Police Advisory Board. However, the complainant or complainants shall not be required to seek review of the complaint by the Police Department as a precondition to filing the complaint for review by the Citizen Police Advisory Board. (Ord. 15430 §2; February 12, 1990: P.C. §2.31.020: Ord. 11851 §1; December 6, 1976: prior Ord. 11475 §1; September 29, 1975).

#### **4.08.030 Copy of Complaint to Police Department; Rules of Procedure.**

Upon receipt of a complaint as set out above, the office the Mayor shall forward a copy of such complaint to the Police Chief and members of the Citizen Police Advisory Board. Thereupon, the chairperson shall designate two members of the board, which designation shall be upon a rotating basis when possible, to meet informally with the complainant or complainants, police officer of officers involved in the complaint, and two members of the Police Department to be designated by the Police Chief. The informal meeting shall be held as soon as possible, not exceeding thirty working days after the receipt of the complaint. At the informal meeting, an attempt shall be made to resolve the problem or problems, if any, raised in the complaint filed against the Police Department by conference and conciliation. The board members participating in the informal meeting shall report to the board at a full public meeting of the board held within fifteen working days after the conclusion of such initial informal meeting, and shall advise the board as to the proceedings and result of such meeting. The report of the members shall indicate whether (a) there was or was not a basis for the allegations of the complaint; (b) whether the complaint was resolved by the meeting; (c) whether another meeting or meetings will be held to further attempt to resolve the complaint; or (d) whether the complaint is not likely to be resolved through the informal meeting procedure. If the complaint has been resolved at the informal meeting, no further action shall be taken by the board. However, if the complainant is not satisfied with the results of the informal meetings, and resolution of the complaint through further informal meetings appears unlikely, then the full board shall consider the report of the Internal Affairs Unit and the report of the board members participating in the informal meetings and, based upon those reports, shall submit a report and recommendation as hereinafter set out. Throughout all informal meetings and public hearings by the full board, and in all reports of the board, the names of the complainants and officers involved shall remain confidential. (Ord. 17202 §1; June 30, 1997: prior Ord. 15430 §3; February 12, 1990: P.C. §2.31.030: Ord. 11851 §2; December 6, 1976: Ord. 11475 §1; September 29, 1975).

#### **4.08.040 Findings; Report.**

After a review of all the reports, the board shall make a finding as follows:

(a) That the complaint warrants corrective action to be taken on the part of the Mayor and/or the Police Chief; or

(b) That the complaint does not warrant any corrective action.

The board shall put its findings in writing and shall send a copy of such findings to the City Council, the Mayor, and the Chief of Police, and may include in such written findings, a recommendation of the action which the board feels is necessary to correct the policies or activities of the Police Department upon which the complaint is based. The complainant shall also be notified of the result of the hearing. (Ord. 15430 §4; February 12, 1990: P.C. §2.31.040: Ord. 11851 §3; December 6, 1976: prior Ord. 11475 §1; September 29, 1975).

#### **4.08.050 Annual Review.**

The board shall meet at least once a year and shall review all complaints received. If the board determines that the complaints indicate a pattern of misconduct or show that particular police policies are being met with significant disapproval by a substantial number of citizens, then the board shall make a report in writing to the City Council, the Mayor and the Police Chief outlining such patterns of misconduct or police policies and shall make recommendations and proposals for their correction. (Ord. 15430 §5; February 12, 1990: P.C. §2.31.050: Ord. 11475 §1; September 29, 1975).